



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

November 4, 2008

Ms. Leah Beth Ward
The Yakima Herald Republic
P. O. Box 9668
Yakima, Washington 98909

Dear Ms. Ward:

Thank you for your letter and attached articles in which you describe problems with nitrate contamination affecting wells in the Yakima Valley. The U. S. Environmental Protection Agency is currently organizing a collaborative effort among the Washington State Departments of Health, Ecology, Agriculture, Indian Health Service, and the Agency for Toxic Substances and Disease Registry, as well as local agencies to explore how to effectively address the groundwater contamination issues in the lower Yakima Valley. EPA is interested in applying the collective resources and tools of all the agencies that have a role in groundwater management in order to identify sources and assess the distribution of nitrates that can be addressed in the near term.

You specifically asked whether EPA would consider invoking Section 1431 of the Safe Drinking Water Act to address the groundwater issue. Section 1431 allows EPA to take a broad range of actions to address situations where environmental degradation threatens bodies of water, including drinking water aquifers. Section 1431 is most often invoked to identify and compel a specific entity to take certain actions, or to cease and desist from certain activities in order to eliminate or mitigate the threat. In the Yakima Valley situation, nitrate contamination is not confined to a small area, nor is it readily attributable to one, or even a limited number of activities. Elevated nitrates in groundwater are ubiquitous over several counties in that part of the State and have a myriad of potential causes ranging from intensive agricultural enterprises to the small scale residential application of nitrogenous fertilizers and residential septic systems.

Additionally, given the complexities of the Valley nitrate problem, invoking Section 1431 of the Safe Drinking Water Act may not achieve a number of the goals implicit in your articles. The purpose of Section 1431 is to prevent an impending dangerous condition from materializing rather than developing a strategy to address existing contamination problems over the long-term. Despite these challenges, we will expeditiously review all of the regulatory and non-regulatory tools we have available to address the groundwater contamination in the lower Yakima Valley, including the use of Section 1431.

Thank you for your interest in these important issues. If you have additional questions regarding our Drinking Water Program, or our Permitting or Enforcement Programs, please don't hesitate to call Mike Gearheard, Director for the Office of Water and Watersheds at 206-553-7151, or Marie Jennings, Manager for the Drinking Water Unit at 206-553-1893.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elin D. Miller".

Elin D. Miller
Regional Administrator